

NEW YORK, SUNDAY, DECEMBER 8, 1907.—Copyright, 1907, by The Sun Printing and Publishing Association.

PAINE GAVE THE WORLD A LAW

MAINE PASSED IT FIRST; THEN CIVILIZATION FOLLOWED.

The Right of Prisoners to Testify in Their Own Behalf Secured to Them by the Bangor Lawyer Who Died Last Week—Worldwide Reform in Criminal Cases.

BANGOR, Me., Dec. 7.—The thing for which Albert Ware Paine, who died last Tuesday at the age of 95, was most widely known was the authorship of the law giving to the accused in criminal cases the right to testify in his own behalf. This law he drafted half a century ago and after many rebuffs he succeeded in having it enacted by the Maine Legislature in 1864. It was the first law of the kind anywhere, and soon the whole civilized world followed Maine's example in adopting it.

When Mr. Paine was a boy living on a farm in the town of Windsor, Kennebec county, a playmate was convicted on purely circumstantial evidence of stealing from a farmer a wallet containing a large sum of money, and was sentenced to the State prison for three years. When the boy came back from prison he was broken in health and spirit.

A few weeks after his return the wallet, with its contents intact, was accidentally discovered near a rail fence where some boards had concealed it from sight. The farmer remembered having climbed over the fence on the day that the wallet disappeared, and the boy's name was cleared. But the three years in prison had been too much for the lad and within three months he was dead.

When Mr. Paine became a lawyer the fate of his youthful friend was fresh in his mind, and twenty-five years later he framed the law giving the accused in criminal cases the right to testify in his own behalf. Several times the bill was introduced in the Legislature but was ridiculed out of committee.

James G. Blaine, who was Speaker of the House, could see no justice in it. Others said that, of course the accused would deny his guilt under any circumstances. Of what use to let him legally deny?

In 1861, however, when Samuel Cony was Governor, the bill went through and Mr. Paine's long fight was won.

In 1868 the body of a man who had been killed by a stab wound in the heart was found on the Central street bridge in Bangor. The police had little to work on until it was remembered that the man frequently had words with a mulatto barber who had a

shop near the point where the body was discovered.

A party of officers went immediately to the barber shop and found the barber with a bloodstained knife in his possession and spots of blood on his hands. When the police entered his place he was sitting in an attitude of deep dejection.

"Do you know who murdered So and So?" inquired one of the officers, suddenly.

"Yes," replied the policeman.

"Then I suppose I killed him," remarked the mulatto.

The man was, of course, put under arrest and in course of time came up for trial. It was apparently a clear case of murder without provocation. The barber had a good lawyer, but he was absolutely without evidence in his client's favor, except that it could be shown there was ill feeling between the two men and that the victim often annoyed the mulatto.

When the prosecution had concluded its case, which included the confession made by the prisoner to the officers, his attorney announced that he would only show that his client had frequently been annoyed by the dead man and would then let the defendant tell his own story. It was the first important trial in which the accused had

taken advantage of the new law, and in interest in the matter was intense.

The defendant testified that they met on the bridge and that the dead man struck at him. The barber had at the time in his hand a large jackknife, and he turned to dodge the blow, involuntarily throwing up his hand which held the knife as he did so, the weapon struck his assailant full in the breast, causing him to fall over backward.

The mulatto did not wait for any further fighting, but went immediately to his shop. He knew from the blood on his knife and hand that he had wounded the other, but he never imagined that the result was as serious as it turned out and he sat in trepidation until the arrival of the police.

The jury believed the defendant and a verdict of not guilty was brought in within five minutes. At that time Mr. Paine was the Maine correspondent of a Boston paper and he wrote an account of the circumstances of the case, dwelling particularly on the fact that if the barber had not had the right to testify in his own behalf he would have been convicted.

A few days later Attorney-General John A. Peters received a letter from Charles Francis Adams, who was then a member of the Massachusetts House of Representatives, asking if the story as printed was

correct and if in Mr. Peters's opinion the law was a good one. Mr. Peters replied that the article was true and stated that while at first opposed to the enactment of the measure he had since become convinced that it was not only a good law but was absolutely just.

A few days later Mr. Paine called on Mr. Adams in Boston while the Legislature was in session. Mr. Adams greeted him heartily and asked him to sit beside him.

Then he discussed the Maine enactment fully and requested Mr. Paine to draw up a copy of it in order that Mr. Adams might offer it to the House. This was done, and after Mr. Adams's speech the law went through in quick order.

When it came back from the Senate it had an amendment to the effect that the refusal of an accused person to testify for himself should not in any way prejudice his case. The advisability of this clause was quickly recognized and the Senate improvement was immediately accepted by Mr. Adams and the House, the bill then going to the Governor for approval.

Subsequently a similar law was passed in New Hampshire and Connecticut, and then England took the matter up and adopted a measure similar to Mr. Paine's, although with a rider which lessened its value materially.

BROOKLYN ADVERTISEMENTS.

FREDERICK LOESER & CO.

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The
Christmas
Toy Store
Is Open.

Frederick Loeser & Co.
In every detail the Leading Retail Establishment of Brooklyn.

The
Christmas
Toy Store
Is Open.

There Is \$50 to \$150 Actual Saving on Pianos And Player-pianos in This Sale.

THERE ARE SOME HUNDREDS OF PEOPLE hereabout who know by experience in this Store just what to-day's announcement means. But without such actual experience it is hard to realize that conditions make it possible for us to offer Pianos and Player-pianos at definite savings of \$50 to \$150 on their actual value to-day.

Is such a saving of importance to you? Is it perhaps possible that it will mean the difference between your having and not having a Piano or Player-piano for this Christmas?

An immense Piano business has grown up here in a few years because the Loeser policy of one fair price to everybody; of liberal terms of payment and of full guarantee, for every instrument has in a measure revolutionized the customs of this vicinity. This business has been still further increased by the tremendous demand for the Player-piano that everyone can play.

To possess these Player-pianos hundreds of people have given up Pianos that are superb, perfect instruments—in absolutely as fine condition as when they came from the makers. These instruments make one large element of the sale.

Each year—particularly in summer—we rent a great number of new Pianos, and those that are returned and not sold are also made a part of this sale, with \$50 to \$100 cut from the former prices.

Finally, we have a group of our own Player-pianos in case designs that are to be discontinued, and these also will go on sale to-morrow at very great reductions in price.

The result of these conditions is that we announce to-day the

Most Amazing Sale of Pianos & Player-pianos That Ever Came in the Christmas Month.

It is not only that prices are wonderfully low, but also that the instruments are wonderfully fine. The playing mechanism and the cases are absolutely perfect. No one could tell one of these instruments from Pianos that have never been used at all.

And yet the saving is \$50 to \$150 on their actual value to-day, according to our own conservative standard—the price is sometimes as much as \$300 less than the standard of the makers.

We give all these instruments the same full guarantee that we give to any new Piano we sell. We make the terms of payment easy enough to suit your convenience. It is a chance that no one who wants either Piano or Player-piano ought to pass by.

UPRIGHT AND GRAND PIANOS.

Originally. Nov.	Originally. Nov.	Originally. Nov.
1 Gilbert Upright, mahogany \$250 \$125	7 Richmond Uprights, mahogany, each \$350 \$225	2 Loeser Uprights, mahogany, each \$400 \$300
1 Hardman Ebony Upright. \$300 \$125	1 Starr Upright, walnut. \$350 \$225	1 Loeser Upright, oak. \$400 \$300
1 Knorr Upright, mahogany \$350 \$125	2 Temple Uprights, mahogany, each. \$300 \$225	1 Loeser Upright, rosewood. \$400 \$300
1 Gabler Bros. Upright, mahogany. \$350 \$175	5 Starr Uprights, mahogany, each. \$350 \$225	1 Loeser Uprights, mahogany, each. \$400 \$325
1 New England Upright, oak \$300 \$175	2 Chase Uprights, mahogany, each. \$350 \$225	2 Loeser Uprights, oak, each. \$400 \$325
1 Eldredge Upright, mahogany. \$300 \$175	1 Chickering Upright, ebony \$500 \$250	1 Loeser Upright, walnut. \$400 \$325
2 Reiman Uprights, mahogany, each. \$250 \$105	1 Chickering Upright, walnut. \$500 \$250	1 Chickering Grand. \$600 \$325
2 Reiman Uprights, mahogany \$300 \$195	1 Emerson Upright, mahogany. \$325 \$250	1 Knabe Upright, oak. \$350 \$375
1 Howard Upright, mahogany. \$300 \$195	1 Emerson Upright, mahogany. \$400 \$250	1 Knabe Upright, mahogany. \$375 \$425
3 Rudolf Uprights, mahogany, each. \$300 \$195	10 Heller & Co. Uprights, mahogany, each. \$275 \$200	1 Loeser Small Grand, mahogany. \$700 \$475
1 Emerson Upright, walnut. \$325 \$200	3 Heller & Co. Uprights, oak, each. \$325 \$250	1 Loeser Grand, mahogany. \$700 \$525
5 Smith & Barnes Uprights, mahogany, each. \$300 \$200	1 Behr Bros. Upright, oak. \$500 \$300	1 Loeser Baby Grand, mahogany. \$800 \$600
1 Kranich & Bach Upright, rosewood. \$400 \$225	1 Loeser Upright, walnut. \$400 \$300	1 Knabe Mignon Grand, mahogany. \$800 \$600
1 Lindeman & Sons Upright, mahogany. \$350 \$225		
3 Rogers Uprights, mahogany, each. \$300 \$225		

NOTABLE GROUP OF PLAYER-PIANOS UNDER PRICE.

Originally. Nov.	Originally. Nov.	Originally. Nov.
Aeolian Grand, walnut. \$750 \$200	Winter & Co. Upright, walnut. \$400 \$300	
Aeolian Pianola Player Piano, walnut. \$550 \$300	Pianola to match. \$250 \$200	
2 Reiman Player Pianos, oak. \$500 \$375		
3 Heller Player Pianos, oak. \$800 \$475	Knabe Upright, mahogany. \$575 \$425	
Heller Player Piano, mahogany. \$800 \$475	Sterling Player to match. \$250 \$125	
Aeolian Pianola Player Piano, mahogany. \$750 \$500		
Heller Player Piano, walnut. \$850 \$525	Behr Bros. & Co. Upright, oak. \$500 \$300	
Heller Player Piano, mahogany. \$800 \$550	Angelus to match. \$250 \$200	
Loeser Player-piano, mahogany. \$800 \$600		
Loeser Player-piano, oak. \$800 \$600	Emerson Upright, rosewood. \$750 \$500	
	Angelus to match. \$275 \$225	

Piano Players.

5 Angelus Players, oak, mahogany and rosewood. \$50 to \$150	
5 Pianolas in mahogany and walnut; regularly \$250, at. \$100 to \$200	
1 Regal Cabinet Player, regularly \$200, at. \$85	

Pianos With Pianoplayers to Match

Originally. Nov.	Originally. Nov.
Heller & Co. walnut. \$375 \$225	
Pianola to match. \$250 \$200	
Heller & Co. Upright, mahogany. \$300 \$225	
Angelus to match. \$250 \$200	

Special Terms for This Sale.

Upright Pianos priced at \$200 or under, \$10 cash and \$5 monthly. Over \$200 to \$300, \$10 cash and \$6 monthly. Over \$300 to \$400, \$10 cash and \$10 monthly. Grand Pianos, \$25 cash and \$20 monthly. On Cabinet Players, \$10 cash and \$6 monthly.

On combinations of Piano and Piano Player priced at \$400 or under, \$20 cash and \$13 monthly. All others, \$35 cash and \$20 monthly.

As all Pianos on our floor are priced on a cash basis (fictional values being eliminated), interest at the rate of four per cent. per annum will be charged on deferred payments.

PIANOS



Beautiful New Pianos
\$149 \$5 Monthly
Until Paid.

FREE With each of these Pianos, Beautiful Stool, Elegant Scarf, 25 Sheets of Popular Music, One Year's Tuning, and Carriage.

Delivered On 1st Payment

30 SPECIAL BARGAINS

that came to us in trade, at greatly reduced prices. You can exchange them any time within a year and have all money paid credited on your new purchase.

UPRIGHTS

\$60 ERARD	3 Monthly
65 NINOT	3 Monthly
75 JACOBSON	3 Monthly
80 REIKERT	3 Monthly
90 STODDARD	3 Monthly
100 DUNHAM	3 Monthly
115 STONE	3 Monthly
120 McDONALD	3 Monthly
125 GABLER	3 Monthly
145 BACH & BACH	3 Monthly
150 BRADBURY	3 Monthly
155 FISCHER	3 Monthly
160 STULTZ & BAUER	3 Monthly
165 WEBER	3 Monthly
170 LONMAN	3 Monthly
175 BYRNE	3 Monthly
175 WESER	3 Monthly
180 GOETZ & CO.	3 Monthly
195 JACOB BROS.	3 Monthly
235 STEINWAY	3 Monthly

SQUARES

\$25 NEW ENGLAND	2 Monthly
35 HAVEN & BACON	2 Monthly
35 HAINES	2 Monthly
38 LUDKE	2 Monthly
45 MANHATTAN	2 Monthly
60 MILLER	2 Monthly
60 BRADBURY	2 Monthly
65 WEBER	2 Monthly
75 SONMER	2 Monthly
80 STEINWAY	2 Monthly

PIANOS \$3 MONTHLY RENTED

GOETZ & CO.

81 Court, cor. Livingston St.
1 Block from City Hall, Brooklyn
OPEN EVENINGS.

FREDERICK LOESER & CO.

BROOKLYN ADVERTISEMENTS.

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The
Christmas
Toy Store
Is Open.

Frederick Loeser & Co.
In every detail the Leading Retail Establishment of Brooklyn.

The
Christmas
Toy Store
Is Open.

\$5.95 Black Fur Fabrics===\$1.98. Coat Lengths==A Wonderful Value.

HOW WONDERFUL THIS VALUE is may perhaps best be illustrated by the fact that in two weeks we have offered to Brooklyn people

A \$31,599 Stock of These Fabrics for \$10,512,

and that by to-morrow night it will practically all be gone. Never before in America, we believe, has such a quantity of such goods been handled by one store at retail.

The last bit of these luxurious Fur Fabrics will be exactly the same as the first. The whole stock is magnificent and nothing to approach the value has ever been offered anywhere.

In making comparisons note particularly the beautiful brilliancy and lustre of these stuffs and the fidelity of the fur markings. These are the points of quality that differentiate them from inferior goods.

The pieces are cut into coat lengths. The Furs imitated are Russian Pony, Broadtail and Caracul. These are the prices:

2 Yards, Regularly \$11.90, at \$3.96.	3 1/4 Yards, Regularly \$20.83, at \$6.93.
2 1/2 Yards, Regularly \$14.88, at \$4.95.	4 Yards, Regularly \$23.80, at \$7.92.
3 Yards, Regularly \$17.85, at \$5.94.	4 1/2 Yards, Regularly \$26.78, at \$8.91.

SECOND FLOOR. NONE SENT C. O. D., CREDITED OR EXCHANGED.

House Coats : Men's Furnishings In a Sale to Be Remembered.

PEOPLE WHO KNOW BY EXPERIENCE watch for the Loeser House Coat announcements. But this time come not only House Coats, but Bath Robes, and Dressing Gowns, and Neckwear, and Shirts and other good Furnishings for men ALL AT PRICES FAR BELOW THEIR WORTH.

Decorate your greatest day in the STORE FOR MEN should be to-morrow. The values warrant it.

\$5 House Coats at \$3.95.
\$7.50 House Coats at \$4.95.
\$10.50 House Coats at \$7.50.
\$12.50 House Coats at \$8.95.
\$15.50 House Coats at \$11.95.
\$18.50 House Coats at \$13.50.
Made of reversible cloths, in all desirable color mixtures. Edges are finished with silk cord and cloth. Sizes 34 to 36. Main Floor, 5th Place Entrance. None Sent C. O. D.

Arabian, Irish Point and Nottingham Curtains.

Save a Fourth to Half

THE LOTS OF THESE CURTAINS ARE SMALL—one to five pairs of a pattern. But there are hundreds of fine designs to choose from and every style is a good one. Nothing to match the chance—or even to approach it—has been offered anywhere this season outside this Store.

\$1.25 to \$20 Single Pairs at 63c. to \$9.98.

Various Styles.
Point Arabo Lace Curtains.
\$4.75 a pr., reg. up to \$8. \$5.50 a pr., reg. up to \$10. \$6.50 a pr., reg. up to \$12. \$7.50 a pr., reg. up to \$14. \$8.50 a pr., reg. up to \$16. \$10.50 a pr., reg. up to \$20.
White Irish Point Curtains.
Three hundred and fifty pairs, all this season's styles.
\$3.45 a pr., reg. up to \$5.75. \$6.98 a pr., reg. up to \$10. \$8.45 a pr., reg. up to \$13.50. \$10.50 a pr., reg. up to \$17.50. \$12.50 a pr., reg. up to \$20.50. \$14.50 a pr., reg. up to \$23.50. \$16.50 a pr., reg. up to \$26.50. \$18.50 a pr., reg. up to \$29.50. \$20.50 a pr., reg. up to \$32.50.
White Nottingham Lace Curtains.
\$1.75 a pr., reg. up to \$3.50. \$2.25 a pr., reg. up to \$4.50. \$2.75 a pr., reg. up to \$5.50. \$3.25 a pr., reg. up to \$6.50. \$3.75 a pr., reg. up to \$7.50. \$4.25 a pr., reg. up to \$8.50. \$4.75 a pr., reg. up to \$9.50. \$5.25 a pr., reg. up to \$10.50. \$5.75 a pr., reg. up to \$11.50. \$6.25 a pr., reg. up to \$12.50. \$6.75 a pr., reg. up to \$13.50. \$7.25 a pr., reg. up to \$14.50. \$7.75 a pr., reg. up to \$15.50. \$8.25 a pr., reg. up to \$16.50. \$8.75 a pr., reg. up to \$17.50. \$9.25 a pr., reg. up to \$18.50. \$9.75 a pr., reg. up to \$19.50. \$10.25 a pr., reg. up to \$20.50. \$10.75 a pr., reg. up to \$21.50. \$11.25 a pr., reg. up to \$22.50. \$11.75 a pr., reg. up to \$23.50. \$12.25 a pr., reg. up to \$24.50. \$12.75 a pr., reg. up to \$25.50. \$13.25 a pr., reg. up to \$26.50. \$13.75 a pr., reg. up to \$27.50. \$14.25 a pr., reg. up to \$28.50. \$14.75 a pr., reg. up to \$29.50. \$15.25 a pr., reg. up to \$30.50. \$15.75 a pr., reg. up to \$31.50. \$16.25 a pr., reg. up to \$32.50. \$16.75 a pr., reg. up to \$33.50. \$17.25 a pr., reg. up to \$34.50. \$17.75 a pr., reg. up to \$35.50. \$18.25 a pr., reg. up to \$36.50. \$18.75 a pr., reg. up to \$37.50. \$19.25 a pr., reg. up to \$38.50. \$19.75 a pr., reg. up to \$39.50. \$20.25 a pr., reg. up to \$40.50. \$20.75 a pr., reg. up to \$41.50. \$21.25 a pr., reg. up to \$42.50. \$21.75 a pr., reg. up to \$43.50. \$22.25 a pr., reg. up to \$44.50. \$22.75 a pr., reg. up to \$45.50. \$23.25 a pr., reg. up to \$46.50. \$23.75 a pr., reg. up to \$47.50. \$24.25 a pr., reg. up to \$48.50. \$24.75 a pr., reg. up to \$49.50. \$25.25 a pr., reg. up to \$50.50. \$25.75 a pr., reg. up to \$51.50. \$26.25 a pr., reg. up to \$52.50. \$26.75 a pr., reg. up to \$53.50. \$27.25 a pr., reg. up to \$54.50. \$27.75 a pr., reg. up to \$55.50. \$28.25 a pr., reg. up to \$56.50. \$28.75 a pr., reg. up to \$57.50. \$29.25 a pr., reg. up to \$58.50. \$29.75 a pr., reg. up to \$59.50. \$30.25 a pr., reg. up to \$60.50. \$30.75 a pr., reg. up to \$61.50. \$31.25 a pr., reg. up to \$62.50. \$31.75 a pr., reg. up to \$63.50. \$32.25 a pr., reg. up to \$64.50. \$32.75 a pr., reg. up to \$65.50. \$33.25 a pr., reg. up to \$66.50. \$33.75 a pr., reg. up to \$67.50. \$34.25 a pr., reg. up to \$68.50. \$34.75 a pr., reg. up to \$69.50. \$35.25 a pr., reg. up to \$70.50. \$35.75 a pr., reg. up to \$71.50. \$36.25 a pr., reg. up to \$72.50. \$36.75 a pr., reg. up to \$73.50. \$37.25 a pr., reg. up to \$74.50. \$37.75 a pr., reg. up to \$75.50. \$38.25 a pr., reg. up to \$76.50. \$38.75 a pr., reg. up to \$77.50. \$39.25 a pr., reg. up to \$78.50. \$39.75 a pr., reg. up to \$79.50. \$40.25 a pr., reg. up to \$80.50. \$40.75 a pr., reg. up to \$81.50. \$41.25 a pr., reg. up to \$82.50. \$41.75 a pr., reg. up to \$83.50. \$42.25 a pr., reg. up to \$84.50. \$42.75 a pr., reg. up to \$85.50. \$43.25 a pr., reg. up to \$86.50. \$43.75 a pr., reg. up to \$87.50. \$44.25 a pr., reg. up to \$88.50. \$44.75 a pr., reg. up to \$89.50. \$45.25 a pr., reg. up to \$90.50. \$45.75 a pr., reg. up to \$91.50. \$46.25 a pr., reg. up to \$92.50. \$46.75 a pr., reg. up to \$93.50. \$47.25 a pr., reg. up to \$94.50. \$47.75 a pr., reg. up to \$95.50. \$48.25 a pr., reg. up to \$96.50. \$48.75 a pr., reg. up to \$97.50. \$49.25 a pr., reg. up to \$98.50. \$49.75 a pr., reg. up to \$99.50. \$50.25 a pr., reg. up to \$100.50. \$50.75 a pr., reg. up to \$101.50. \$51.25 a pr., reg. up to \$102.50. \$51.75 a pr., reg. up to \$103.50. \$52.25 a pr., reg. up to \$104.50. \$52.75 a pr., reg. up to \$105.50. \$53.25 a pr., reg. up to \$106.50. \$53.75 a pr., reg. up to \$107.50. \$54.25 a pr., reg. up to \$108.50. \$54.75 a pr., reg. up to \$109.50. \$55.25 a pr., reg. up to \$110.50. \$55.75 a pr., reg. up to \$111.50. \$56.25 a pr., reg. up to \$112.50. \$56.75 a pr., reg. up to \$113.50. \$57.25 a pr., reg. up to \$114.50. \$57.75 a pr., reg. up to \$115.50. \$58.25 a pr., reg. up to \$116.50. \$58.75 a pr., reg. up to \$117.50. \$59.25 a pr., reg. up to \$118.50. \$59.75 a pr., reg. up to \$119.50. \$60.25 a pr., reg. up to \$120.50. \$60.75 a pr., reg. up to \$121.50. \$61.25 a pr., reg. up to \$122.50. \$61.75 a pr., reg. up to \$123.50. \$62.25 a pr., reg. up to \$124.50. \$62.75 a pr., reg. up to \$125.50. \$63.25 a pr., reg. up to \$126.50. \$63.75 a pr., reg. up to \$127.50. \$64.25 a pr., reg. up to \$128.50. \$64.75 a pr., reg. up to \$129.50. \$65.25 a pr., reg. up to \$130.50. \$65.75 a pr., reg. up to \$131.50. \$66.25 a pr., reg. up to \$132.50. \$66.75 a pr., reg. up to \$133.50. \$67.25 a pr., reg. up to \$134.50. \$67.75 a pr., reg. up to \$135.50. \$68.25 a pr., reg. up to \$136.50. \$68.75 a pr., reg. up to \$137.50. \$69.25 a pr., reg. up to \$138.50. \$69.75 a pr., reg. up to \$139.50. \$70.25 a pr., reg. up to \$140.50. \$70.75 a pr., reg. up to \$141.50. \$71.25 a pr